

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BCS SOFTWARE, LLC,

Plaintiff,

v.

HP INC.,

Defendant.

CIVIL ACTION NO. 6:20-cv-709-ADA

DECLARATION OF CYNDI CLAXTON IN SUPPORT OF MOTION TO DISMISS

I, Cyndi Claxton, declare as follows:

1. I am an associate at the law firm of Turner Boyd LLP, counsel to HP Inc. (“HP”) in this matter, and a member in good standing of the State Bar of California.

2. I submit this declaration in support of Defendant HP Inc.’s Motion to Dismiss Pursuant to Rule 12(b)(6). I have personal knowledge of the facts set forth herein, except where noted, and, if called to testify, could and would competently testify thereto under oath.

3. On October 14, 2020 I visited the weblink <https://www8.hp.com/us/en/solutions/business-solutions/software.html>, which is a link to a generic HP “Software solutions” page. On this webpage, “Learn more” links are present for items respectively entitled “Device management,” “Workflow & document management,” “Print management software,” “Secure printing software,” and “HP Z Workstations.” The contents of this webpage are not attached to the Complaint.

4. On October 14, 2020 I visited the weblink <https://www8.hp.com/us/en/services/daas.html#showoverlay>, which is a link to a generic “HP Services” page. The webpage menu items include links to “Device as a Service,” “Lifecycle

Services,” “Manageability Services,” “Security Services,” “Other,” and “Resources.” The contents of this webpage are not attached to the Complaint.

5. On October 14, 2020 I visited the weblink <https://www8.hp.com/h20195/v2/getpdf.aspx/4aa7-1172enw.pdf>, which is a link to a three-page PDF-document entitled “HP Proactive Management with HP TechPulse Offer.” The PDF is a Frequently Asked Questions (FAQ) For Customers document. The contents of this webpage are not attached to the Complaint.


6. On October 14, 2020 I visited the weblink <https://hplatexknowledgecenter.com/blog/near-real-time-monitoring-new-hp-print-beat-dashboard>, which is a link to a blog in the HP Latex Knowledge Center. The blog has an entry from HP-Alessandro.Jesi dated 29th of November 2018. The contents of this webpage are not attached to the Complaint.

7. On October 14, 2020 I visited the weblink https://jp.ext.hp.com/lib/jp/ja/printers/digital-presses/indigo/solutions/hp_printos_print_beat.pdf, which is a link to a four-page PDF data sheet for HP PrintOS Print Beat. The contents of this webpage are not attached to the Complaint. Id.

8. On October 14, 2020 I visited the weblink <https://www.perfectcolours.com/blog/2019/03/08/meet-the-new-hp-print-beat-dashboard/>, which is a link to a webpage titled “Perfect Colours large format print solution.” It has menu items for “Shop Perfect Colours,” “Printers,” “Inks & Printhead,” “Printer media,” “Managed print,” “Finishing,” “Hard and Software,” “Support,” and “Contact us.” The contents of this webpage are not attached to the Complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 19 day of October, 2020, in San Jose, California.


Cyndi Claxton